

# United States District Court District of Massachusetts

NKEM ECHEM,  
Petitioner,

V.

CIVIL ACTION NO. 05-10245-JLT

ALBERTO GONZALES,<sup>1</sup>  
ATTORNEY GENERAL,  
Respondent.

## *REPORT AND RECOMMENDATION ON PETITIONER'S MOTION TO ALLOW FURTHER EVIDENCE IN SUPPORT OF HER WRIT OF HABEAS CORPUS AND MOTION TO STAY REMOVAL (#5)*

COLLINGS, U.S.M.J.

Since I have recommended that the Motion to Dismiss (#6) be allowed, I RECOMMEND that Petitioner's Motion to Allow Further Evidence in Support of her Writ of Habeas Corpus and Motion to Stay Removal (#5) be DENIED.

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The petition was filed on February 8, 2005 against "John Ashcroft, Attorney General." Alberto Gonzales succeeded him on February 14, 2005. Pursuant to Rule 25(d)(1), Fed. R. Civ. P., his successor is now the named defendant.

The parties are hereby advised that pursuant to Rule 72, Fed.R.Civ.P., any party who objects to these recommendations must file a specific written objection thereto with the Clerk of this Court within 10 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the recommendations, or report to which objection is made and the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health and Human Services*, 848 F.2d 271 (1 Cir., 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1 Cir., 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1 Cir., 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1 Cir., 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1 Cir., 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Robert B. Collings

ROBERT B. COLLINGS

United States Magistrate Judge

March 28, 2005.